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GUEST: **Agwu Ukiwe Okali**
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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Agwu Ukiwe Okali describes the work of the International Criminal Tribunal for Rwanda. One of two such tribunals established by the United Nations Security Council — the other is the International Criminal Tribunal for the Former Yugoslavia, sitting in The Hague — the Rwanda Tribunal is headquartered in Arusha, Tanzania, and is trying persons accused of genocide in the Rwandan civil war. Mr. Okali, the Registrar of the Rwanda Tribunal, is a British and US-trained jurist from Nigeria. He outlines the practices and political problems the Tribunal has encountered so far and how they are being overcome. The Tribunal has begun its work and is currently considering its first three cases.

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ANNOUNCER: From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns, and this is **World Chronicle**.

In the last few years, two international criminal tribunals have been established by the United Nations Security Council. The first — the Tribunal for the former Yugoslavia, sitting in The Hague — has already handed down its first judgement. The second — the Tribunal for Rwanda, based in Arusha, Tanzania — has begun hearing its first three cases. Sitting to judge individuals accused of terrible crimes, both Tribunals have attracted widespread attention and not a little controversy.

Our guest today is the recently appointed new Registrar of the International Criminal Tribunal for Rwanda. He is Agwu Ukiwe Okali from Nigeria. Mr. Okali, who has worked in the United Nations system since 1975, holds degrees in law from both the United Kingdom and the United States, where he earned a doctorate at Harvard. He will be questioned here at UN Headquarters in New York by Segun Adeyemi of the News Agency of Nigeria and Judy Lessing of Radio New Zealand.

Mr. Okali, welcome to World Chronicle.

OKALI: Thank you.

LITTLEJOHNS: Mr. Registrar, the history of war crimes tribunals and the meting out of punishment is not all that encouraging. There are a lot of people wandering around the world as, quote, "respected citizens", unquote, from Germany and Japan who were guilty of the most horrible crimes in World War Two. What makes you think that in the case of — although of course you're not involved with the Yugoslav Tribunal, but what makes you think that these two UN tribunals will be any more successful in bringing criminals to justice?

OKALI: Thank you very much, Michael. This is a very useful and interesting question. The answer is twofold: One is that times have changed, and I believe that the international community, in setting up these two tribunals, is signalling that there will be no more impunity for these kinds of activities. The second part of the answer is that even as we speak there are moves to create a permanent international criminal court. If that succeeds, then definitely this will be an ongoing institution, so that we wouldn't have then the long lapses that occur between the holding of people responsible for war crimes.

LITTLEJOHNS: How good are the prospects, do you reckon, for a permanent international court, which presumably would apply to all cases of war crimes wherever they occurred in the world?

OKALI: Yes....

LITTLEJOHNS: In other words, you would not have one for the former Yugoslavia, another for Rwanda, and so forth? It would be one tribunal like the International Court of Justice.

OKALI: Yes, indeed. That is the concept. It will be — it would have a universal jurisdiction. But of course these things depend on individual Member States signing up —

LITTLEJOHNS: Is there a will for that, do you think? I mean, is there an overwhelming feeling that this is something that should happen?

OKALI: At this particular time I think that there is enough support for it. There are many who are sceptical both for technical legal reasons and also for practical reasons. But I think there is a feeling that the time is right for such an institution.

LITTLEJOHNS: You're a graduate of Harvard, and I read just the other day that the United States is not very keen on this idea of a permanent tribunal, because they're afraid that countries like Iran and Cuba and a few others — Iraq perhaps — might come in with indictments against American citizens who are alleged to have committed crimes, or whatever. Is that the case?

OKALI: I don't — I couldn't comment on the position of any particular Member States, but I think it's important to realize that were such an institution to be created, indictments are not going to just be brought out based on Member States' wishes; there will definitely be a prosecutor who should exercise independent judgement.

LESSING: Given that, Mr. Okali, and in a way we're getting away from the Rwandan Tribunal, but just for a moment, if we look at that international criminal court, how much of a lab is your Tribunal and the Tribunal in The Hague for the former Yugoslavia? How helpful? How much of a path goes from there on to the formal court, if and when it's established?

OKALI: Well, I think definitely we are pioneers in that sense, first, because this idea of international criminal jurisdiction is a very, let's say, sensitive one among Member States, and having had the breakthrough in the case of the Yugoslav Tribunal and in the case of the Rwanda Tribunal, it's already I think an achievement. And, secondly, we are in fact learning a lot in terms of the actual operations of these kinds of institutions. For example, the UN — I'm a UN staff member, and we have never had to deal with detention centres, for example, which we have both in the former Yugoslavia Tribunal and in Rwanda. So there are many lessons that we are actually learning from these two initiatives.

LESSING: So how important is it that both Tribunals — I won't say gain, have, a successful prosecution, but have successful trials, that they are seen to be well conducted, and so on?

OKALI: I think it is extremely important, certainly in the case of the Rwanda Tribunal. There is, as you know, a very important lesson that even those of us in Africa who

are Africans have sought to be taught by an institution such as the Rwanda Tribunal. So it is important that both the fact that there will be no impunity for criminal crimes against humanity, no matter where committed, is vindicated, and also the manner in which a trial is conducted is a good example and lesson for the rule of law in Africa, and in the world in general.

ADEYEMI: Going back to the Rwanda Tribunal itself, a major criticism has been this perceived slow pace of work of the Tribunal. It has been almost three years since it was established, and only 14 indictments have been handed down, and I think three trials have actually begun. You know, the Rwandan Government said in February that they are beginning to lose faith in the Tribunal, because they think justice delayed is justice denied. What is being done to speed up the process of actually handing down indictments and conducting trial itself?

OKALI: Well, actually, Segun, we have in fact 21 indictments. Of those indicted, 13 are in custody; 11 are in custody in Arusha — that is, in the custody of the Tribunal; one is in custody in Switzerland, and the highest court there has just ruled that he should be extradited to — handed over to the Tribunal, so that shortly we will have 12 people; and the other suspect, indicted person, is being detained in the United States, where the case is going through the court process. In fact, I think that the criticism about the slow pace is, well, I would say it's on the whole not justified, given the logistical problems of gearing up for such an international endeavour. The first year, year and a half, really nothing was done, and, plus, of course, you know that getting the accused persons into custody is another. It took quite some time, because they certainly were not in Arusha, they were in various countries. So, but a lot is being done now, and we are seeing the pace picking up.

ADEYEMI: You talked about logistical problems. A major criticism too has been the various locations of the seat of the Tribunal — the office of the Prosecutor is in The Hague, the Deputy Prosecutor is in Kigali, your office is in Arusha. Could this also be part of the problem, you know, why this process has been quite slow?

OKALI: It's hard to say. I wouldn't myself — I wouldn't myself ascribe that as a reason, because these things — basically what is in Arusha is the headquarters and the main infrastructure of the court; in Kigali is basically the office of the Prosecutor, where a lot of the investigations are handled. The Prosecutor happens to be at The Hague because, according to the instrument setting up the two Tribunals, they share one Prosecutor; of course, The Hague Tribunal started first, and so the Prosecutor was there. So that explains this division.

ADEYEMI: And the Rwandan Government actually called for a consolidation of the offices, saying that it should bring everything to Kigali, hoping that this would make things

faster. Are we likely to see a consolidation of all your offices in Kigali, as requested by the Rwandan Government?

OKALI: I think myself that this is unlikely, and the Rwandan Government authorities with whom I have spoken have said that they now accept, they recognize that it has been decided this way. I mean, they were party to the decision. They had requested that it be based in Kigali, but other States had a different idea. But in the end, so it was agreed. So they now accept that, you know, it has to keep these two locations.

LITTLEJOHNS: Mr. Okali, is the Rwanda Tribunal a totally African operation, so to speak? I mean, all the staff, all the judges, everyone is from Africa?

OKALI: By no means. By no means. It is no different from any other UN operation or UN institution. As a matter of fact, the ICTR, the short form for the Rwanda Tribunal, we have 59 nationalities working there. And of course the judges are taken from all over the world. They're not, you know, they're not from Africa necessarily.

LITTLEJOHNS: This is **World Chronicle**. Our guest is Agwu Ukiwe Okali, Registrar for the International Criminal Tribunal for Rwanda. Judy Lessing?

LESSING: Mr. Okali, Justice Arbour, the Chief Prosecutor, has said, when she was talking about the problems that the Rwanda Tribunal has had in the past — and there were problems; we need to face the fact that you're the new Registrar because your predecessor was not managing things very well — she said you could never make up that time. But do you also have problems of a lack of resources? She spoke of lack of money, she spoke of not enough prosecutors and not enough investigators. Are you hamstrung in this way?

OKALI: Well, I think that anyone running such an operation certainly will always need more resources. We could use more resources. But I don't think that resources so far have been a major factor. There is just — there is just so much that can be — in terms of due process that can be brought out by, you know, two chambers. We have two chambers, six judges, sitting three in a chamber. And these, I mean, so as long as you have only two chambers, that is two courts, there is a limit to what can be brought out. The only way to really expand the output, if one may call it this, is to have more chambers. And the statute contemplates that if necessary more chambers could be created.

LESSING: What about security for witnesses, particularly now as more and more of the Hutu refugees, mostly Hutu refugees, have come back into Rwanda from what used to be eastern Zaire? There were security problems before; will they not be worse now? How do you secure your witnesses, give them any form of confidence that they will be all right, that they won't die?

OKALI: This is a very crucial issue. And it has certainly given us a lot of thought. As you may know, we do in fact have a witnesses and victims support programme. And we

have a unit that handles this. And this includes protection, that is, security; includes psychological support; includes just being there and supporting the witnesses. We have so far, I am happy to say, been able to bring these witnesses — most of whom are in Rwanda, usually in rural areas, who have never been outside of the country, let alone been involved in court procedures, so, we have set up a programme to support them and to channel them and guide them — and we bring them to Arusha to give testimony, and we also take them back.

LESSING: But there have been instances of people just coming up to these peoples' houses and killing them.

OKALI: There have been instances where people who have either been witnesses or potential witnesses have been killed. But we have been unable to establish a direct link between their participation in the work of the Tribunal and these murders. It's not by any means clear that this is why.

LITTLEJOHNS: Mr. Okali, do you have an investigative staff to look into accusations that come from witnesses and others before you decide whether an indictment is appropriate?

OKALI: Oh, yes. Oh, yes. In Kigali, we have a fairly large investigative staff —

LITTLEJOHNS: And these are people from national police forces, or what?

OKALI: These are — in fact, most of them consist of what we call secondees, we call them secondees because they have been — their services have been donated by donor Governments, because, of course, investigation, criminal investigation is not one of the skills that the UN normally possesses among the staff. So these have been mostly contributed by Member States.

LITTLEJOHNS: Have they been effective, would you say?

OKALI: I think so, I think so. I think so. There have been criticisms of their work or some of their work, but they are working under very difficult circumstances.

ADEYEMI: Going back to the report of the UN investigation into the Tribunal, which found mismanagement and incompetence, and naturally, of course —

LITTLEJOHNS: Before Mr. Okali's time, this is.

ADEYEMI: Yes, before you came there!

OKALI: Thank you very much!

ADEYEMI: And that cost —

OKALI: Very important, very important!

ADEYEMI: And that cost your predecessor and the Deputy Prosecutor their jobs. I know it's too early for you to actually turn things around, because you've — I mean, you assumed office on March 1; what specific steps have you put in place so far to kind of rectify these problems?

OKALI: This is a question I am asked everywhere I go. And the fact is that we have been doing a lot to turn things around. First of all, we have put in place the requisite supervisory staff, because one of the problems was the absence of supervisory staff for the various operations — personnel, finance, procurement — and therefore nobody to ensure proper systems. So we have done that. We have also established procedures, proper procedures, you know, with the proper documentation for all the normal operations of each area. Regarding the financial accounts, we are now — we have been working very hard and are now caught up to March 1997. We have also done something else, which is in response to some of the accusations or allegations made about the calibre and quality of staff of the Tribunal; we have instituted a review of the profile of all internationally recruited staff against their job descriptions.

ADEYEMI: Part of the problem also was that the UN headquarters in New York, here, hasn't done enough in terms of the kind of, the calibre of staff they deploy to these trial locations, which means that they're not cooperating with you enough. Are you getting enough cooperation now from the UN headquarters here in New York?

OKALI: I certainly am now. After what the Secretary-General did in February, we are getting all the cooperation that we have asked for.

LITTLEJOHNS: What did the Secretary-General do in February, Mr. Okali?

OKALI: The Secretary-General, as Segun has pointed out, replaced the management —

LITTLEJOHNS: Oh, I see. The Prosecutor and you, the Registrar —

OKALI: Yes —

LITTLEJOHNS: I mean, you, you replaced these bad apples from the previous —

OKALI: Well, they may just have been unlucky. But he also gave very clear indications that this was a priority area for the UN, and he in fact said we can't afford to fail again. So that has sent the right signals, and we are getting all the support that we have asked for.

ADEYEMI: The strained relationship between your predecessor and the former Deputy Prosecutor was also noted in the report as part of the problem affecting the Tribunal. How are you getting along with the new Deputy Prosecutor?

OKALI: Well, I am getting along very well with the Prosecutor, and she was just here a few days ago —

LITTLEJOHNS: This is the Canadian lady.

OKALI: Yes. Justice Louise Arbour. The Deputy Prosecutor has just come on board. I haven't actually met him, but being from just across the border in Cameroon, I don't see why we shouldn't get along very well.

LESSING: Mr. Okali, I want to clear something up that may be a confusion in my mind. I know that there are other trials going on in Arusha, in Tanzania, but are there not also some trials being conducted in Kigali? And if so, are they under Rwandan law or under the statute of the International Tribunal?

OKALI: Yes, there are trials going on in Kigali and in Rwanda of people also for genocide. But this is taking place under national law. The set-up of the Tribunal recognizes that you could have concurrent jurisdiction. However, it does provide that the Tribunal, the International Tribunal can request a court in a Member State to defer to the Tribunal in particular cases. And this has been done, this request has been made in four cases so far.

LESSING: But if this —

LITTLEJOHNS: Mr. Okali — I'm sorry, go ahead.

LESSING: No, I just wanted to find if it's the case — under Rwandan law, as I understand it, these are capital crimes, there is a death penalty; but there is no death penalty in your Tribunal. So is there not a bit of a problem there?

OKALI: Well, yes, I think that from that point of view you could say, you could say that therefore people might prefer to be tried in the Tribunal. Yes, I think that that is —

LITTLEJOHNS: Mr. Okali, you mentioned earlier in the programme that it was a new thing for the UN to be running detention centres. And of course we've all read reports about some pretty terrible conditions in detention centres in that part of the world. How is the UN managing to maintain reasonably humane conditions for the accused criminals?

OKALI: In fact, this particular matter has been addressed very specifically in the rules of procedure of the Tribunal, and the detention facility is subject to, and has been set up actually in consultation with the International Red Cross. And they have already —

LITTLEJOHNS: So they have — they've been inspected — they're inspected regularly?

OKALI: Yes, twice, and they have found the conditions to be acceptable to international standards.

LITTLEJOHNS: We have less than a minute left, Segun.

ADEYEMI: There was a report that the trial of two of the accused persons was actually suspended recently due to lack of space. How soon are we going to see a resumption of their trial, or how far will this go?

OKALI: Yes, Segun, you have put your finger on a problem that we're having of a temporary nature, and that is that we — although we have two chambers, we have only one courtroom now, and that means that cases have to sort of take turns. And, you know, that is why the ongoing case of two accused persons was suspended, while a previously adjourned case had to come back for hearing. But we are now working on construction of a second courtroom, and we expect that to be ready soon.

LITTLEJOHNS: Mr. Okali, that's all the time we have. Thank you for being with us on this edition of **World Chronicle**.

Our guest has been Agwu Ukiwe Okali, Registrar for the International Criminal Tribunal for Rwanda. He was interviewed by Segun Adeyemi of the News Agency of Nigeria and Judy Lessing of Radio New Zealand.

I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of **World Chronicle**.

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